

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Steve Browning
Respondent

Ticket No. 5703
2011 Larkhall Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 12, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201, failure to keep the premises free from accumulations of improperly stored solid waste; section 13-7-310, failure to cease the accumulations garbage, rubbish, trash or manure so as not to become harborage for rats on residential property known as 2011 Larkhall Road, 21222.

On April 8, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ray Harmon issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$150.00 (one hundred fifty dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205. Review of the file shows that a \$500.00 (five hundred dollars) civil penalty was imposed on Respondent on March 24, 2010 after Respondent failed to clean up the property and therefore failed to take advantage of the opportunity for a reduced civil penalty.

B. Photographs in the file show junk, trash and bagged garbage piled in the rear yard of this residential investment property. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. This Citation will therefore be enforced, and the County will be authorized to enter the property for the purpose of removing all junk, trash, garbage and debris, at the expense of the property owner.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$150.00 (one hundred fifty dollars).

IT IS FURTHER ORDERED that if the violations are not corrected by June 1, 2010, the County may enter the property for the purpose of removing all junk, trash, debris, and garbage, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 19th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf